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In re Application of
Jan Hall et al.

Application No.: 09/980,011

PCT No.: PCT/SE00/01027

Int. Filing Date: 31 May 1999

Priority Date: 23 May 2000

Attorney's Docket No.: 21547/0286

For: IMPLANT, METHOD FOR PRODUCING
THE IMPLANT, AND USE OF THE IMPLANT

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to the "Reply To Notification Of Abandonment" filed on 07 March 2002, which is being treated as a petition under 37 CFR 1.181, requesting the withdrawal of the holding of abandonment mailed on 07 February 2002 because the full U.S. Basic National Fee was timely authorized to be charged to petitioner's Deposit Account.

BACKGROUND

On 23 May 2000, this international application was filed, claiming an earliest priority date of 31 May 1999.

On 01 December 2000, a Demand electing the United States was filed in this international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 31 November 2001.

On 30 November 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the alleged requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the international application. No oath or declaration was filed at that time.

On 07 February 2002, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) which indicated that applicant had failed to provide the full U.S. Basic National Fee by 30 months.

In response to the "NOTIFICATION OF ABANDONMENT" mailed on 07 February 2002, petitioner submitted a "Reply to Notification of Abandonment" on 07 March 2002 indicating that the USPTO was authorized to charge Deposit Account No. 22-0185 in the amount

of \$1,1840.00 to cover the fees on 30 November 2001, and also the Office was authorized to charge any additional fees which may be required. According, the full U.S. Basic National Fee was authorized to be charged to petitioner's Deposit Account on 30 November 2001.

DISCUSSION

In view of the above, the applicant's payment of the full Basic National fee would have been considered timely if there would have been sufficient funds to cover the charges on 30 November 2001.

The record of the filed application shows that the USPTO made attempts on 06 December 2001 and 05 February 2002, respectively, to charge petitioner's Deposit Account no. 22-0185 the required fees but the account had insufficient funds. Accordingly, petitioner did not pay the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 by the 30 month deadline of 31 November 2001.

Consequently, the aforementioned application was properly abandoned for failure to pay the full U.S. Basic National Fee by 30 months.

Applicant may wish to consider the filing of a petition to revive the application under 37 CFR 1.137(b).

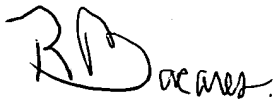
CONCLUSION


For reasons above, the petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

The application remains **ABANDONED**.

If reconsideration of the merits of the petition under 37 CFR 1.181 is desired or if applicant decides to file a petition to revive under 37 CFR 1.137(b), applicant must file such within **Two (2) MONTHS** from the mail date of this Decision.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.


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